

EXHIBIT B-122



**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

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| IN RE: | CASE NO. |
| SPECIAL PURPOSE GRAND JURY | 2022-EX-000024 |
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MOTION FOR LEAVE TO FILE UNDER SEAL

COMES NOW Governor Brian P. Kemp, through undersigned counsel, and respectfully moves this Court for leave to file a subsequent motion under seal pursuant to Uniform Superior Court Rule 21.1 in the above-captioned matter. The undersign submits that the subsequent filing contains information sensitive to the Special Purpose Grand Jury's ongoing investigation. The secrecy of grand jury proceedings is well established under Georgia law. *See In re Gwinnett Cnty. Grand Jury*, 284 Ga. 510, 512-13 (2008). The interests in protecting the secrecy of grand jury proceedings and the integrity of the Special Purpose Grand Jury's ongoing investigation clearly outweigh the public interest in disclosure. For these same reasons, counsel would also respectfully request that any subsequent response, related filing, or order of the Court related to the filing also be sealed in their entirety.

The District Attorney's Office does not oppose Governor Kemp's filing of the subsequent motion under seal. A proposed order is attached for the Court's convenience.

Respectfully submitted this 14th day of November, 2022.

/s/ Christopher M. Carr
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/s/ Brian F. McEvoy
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Counsel for Governor Brian P. Kemp

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CERTIFICATE OF SERVICE

This is to certify that I have filed the foregoing **GOVERNOR BRIAN P. KEMP'S MOTION FOR LEAVE TO FILE UNDER SEAL** with the Clerk of the Superior Court of Fulton County. Courtesy copies have also been provided to the Court and counsel of record.

This 14th day of November, 2022.

/s/ Brian F. McEvoy
Attorney for Governor Brian P. Kemp

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE:) CASE NO.
SPECIAL PURPOSE GRAND JURY) 2022-EX-000024
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[PROPOSED] ORDER GRANTING MOTION FOR LEAVE TO FILE UNDER SEAL

Pending before this Court is Governor Brian Kemp's Motion for Leave to File Under Seal. Having reviewed the Motion and finding good cause therein, the Motion is GRANTED. The Court finds that the compelling interests in protecting the secrecy of grand jury proceedings and in protecting the ongoing investigation into possible criminal electoral interference are sufficient to justify sealing the subsequent filing. *See In re Gwinnett Cnty. Grand Jury*, 284 Ga. 510, 512-13 (2008); *United States v. Valenti*, 987 F.2d 708, 714 (11th Cir. 1993). The Court additionally finds that the subsequent filing—containing sensitive, non-public investigative information—is “not subject to disclosure under [Uniform Superior Court Rule] 21 because [it does] not fall within that which USCR 21 embodies: [it is] not [a] court record[] to which the public and press in Georgia have traditionally enjoyed access.” *In re Gwinnett Cnty. Grand Jury*, 284 Ga. at 512.

The Clerk is directed to file the requested document under seal.

SO ORDERED this ____ day of _____, 2022.

Judge Robert C.I. McBurney
Superior Court of Fulton County
Atlanta Judicial Circuit